

SECOND REGULAR SESSION

# HOUSE BILL NO. 1989

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SHOEMYER (9).

Read 1<sup>st</sup> time February 19, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4787L.011

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### AN ACT

To repeal section 56.823, RSMo, and to enact in lieu thereof one new section relating to prosecuting attorney retirement.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 56.823, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 56.823, to read as follows:

56.823. 1. Any prosecuting attorney or circuit attorney who becomes a member of the system on the effective date of the establishment of the system shall be given full credit for prior service as prosecuting attorney or circuit attorney in this state and seventy-five percent credit for prior service as an assistant prosecuting or assistant circuit attorney in this state for such time as the individual expended sixty percent of the individual's time or more fulfilling prosecutorial duties.

2. Notwithstanding any other provision of law, any prosecuting attorney or circuit attorney who is serving as such on August 28, 1993, who also served as a prosecuting attorney or circuit attorney prior to the establishment of the system shall be allowed creditable prior service for the service that was performed prior to the establishment of the system.

3. Notwithstanding any other provision of law, any prosecuting attorney or circuit attorney who was not a member of the system on the effective date of the establishment of the system but who is serving as such on August 28, 1996, and who also served as an assistant prosecuting attorney or as an assistant circuit attorney prior to the establishment of the system and who expended at least sixty percent of the time as an assistant prosecuting attorney or as an assistant circuit attorney fulfilling prosecutorial duties shall be allowed creditable prior service for seventy-five percent of such service as an assistant prosecuting attorney or as an assistant circuit attorney that was performed prior to the establishment of the system.

- 19           4. Notwithstanding any other provision of law, any prosecuting attorney or circuit  
20 attorney who was not a member of the system on the effective date of the establishment of  
21 the system but who is serving as such on August 28, 2002, and who also served as a  
22 prosecuting attorney, assistant prosecuting attorney, circuit attorney, or assistant circuit  
23 attorney prior to the establishment of the system and who expended at least sixty percent  
24 of the time as an assistant prosecuting attorney or as an assistant circuit attorney fulfilling  
25 prosecutorial duties shall be allowed full credit for prior service as a prosecuting attorney  
26 or circuit attorney in this state and seventy-five percent credit for prior service as an  
27 assistant prosecuting or assistant circuit attorney in this state.
- 28           5. All such prior service shall be established to the satisfaction of the board.